



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Loud Engineering & Manufacturing, Inc.

**File:** B-262060

**Date:** July 21, 1995

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### DECISION

Loud Engineering & Manufacturing, Inc. protests the award of a contract by the Department of the Army under solicitation No. DAAJ09-95-R-0180.

We dismiss this protest on the basis that the protester is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Here, the solicitation provided that award would be made to the "responsive, responsible offeror whose offer represents the lowest overall cost." The agency advises that Loud was the highest priced offeror. Since there has been no challenge to the eligibility for award of the intervening bidders or offerors who would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

*Ronald Berger*

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